

Article - Environment

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§15–822.

(a) The applicant shall submit with his application for a surface mining permit a proposed mining and reclamation plan. The plan shall include at least the following:

- (1) The purpose for which the land previously was used;
- (2) The use which is proposed to be made of the land following reclamation;
- (3) The manner in which the land is to be opened for mining and how the mining activity is to progress across the tract;
- (4) The location of affected areas;
- (5) The manner in which topsoil and subsoil are to be conserved and restored and, if conditions do not permit the conservation and restoration of all or part of the topsoil and subsoil, a full explanation of the conditions and alternate procedures proposed;
- (6) Where backfilling is required, or where the proposed subsequent land use requires fill, the manner in which the compaction of the fill will be accomplished;
- (7) The manner and type of landscaping and screening of the working areas which are exposed to public view during mining;
- (8) The proposed practices to protect adjacent surface resources;
- (9) The specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and the proposed method of accomplishment;
- (10) The manner and type of revegetation or other surface treatment of the affected areas;
- (11) A time schedule that meets the requirements of this section; and

(12) Maps and any other supporting documents required by the Department to illustrate the above points.

(b) The applicant shall furnish with the mining and reclamation plan, in a reasonable manner satisfactory to the Department, an accurately surveyed topographic map, in duplicate, on a scale of not smaller than one inch equals 200 feet and with a contour interval of spacing appropriate for the area, showing the location of the tract of land to be affected by mining, and representative cross-sections. The surveyed topographic map and cross-sections shall be prepared and certified by a registered professional engineer or registered surveyor and show the boundaries of the proposed affected land, together with the drainage area above and below the area, the location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area, the outcrop line of any mineral deposit to be mined, the location of all buildings within 200 feet of the outer perimeter of the area affected, the names and addresses of the owners and present occupants, the purpose for which each building is used, the name of the owner of the tract where the proposed mining is to occur, and the names of the adjacent landowners, the municipality or district and county and nearest municipality. The topographic map also shall show the locations of test borings or sampling which the operator has conducted or will conduct at the site of the proposed operation. The cross-sections shall include the location of the test borings or sample sites, the nature and depth of the various strata, the thickness of any mineral seam or deposit, an analysis of any mineral deposit or ore, the thickness of the overburden, and an analysis of the overburden. Aerial photographs of the tract of land to be affected by the mining also shall be provided if they are required by the Department. The information resulting from the test borings is confidential information and not a matter of public record. The Department may waive any of the requirements of this subsection if the operator extracts less than 30,000 tons per year or 20,000 cubic yards per year of minerals and the affected area is less than five acres in size.

(c) The plan shall include a summary statement covering:

(1) The method of compliance with State air and water pollution requirements;

(2) The method of prevention, elimination, or minimization of conditions that would be hazardous to animal or fish life in or adjacent to the area;

(3) The method of rehabilitation of settling ponds;

(4) The method of control of contaminants and disposal of mining refuse; and

(5) The method of restoring or establishing stream channels and stream banks to a condition minimizing erosion, siltation, and other pollution.

(d) The plan shall provide that reclamation activities, particularly those relating to control of erosion, shall be conducted to the extent feasible simultaneously with mining operations and be initiated at the earliest feasible time after completion or termination of mining on any segment of the permit area. The plan shall provide that reclamation activities be completed promptly and not later than two years after completion of mining on each segment of the area for which a permit is requested unless the Department specifically permits a longer period.

(e) The Department may approve, approve subject to stated modifications, or reject the plan which is proposed. The Department shall approve a reclamation plan, as submitted or as modified, if it finds that the plan adequately provides for timely completion of those actions necessary to achieve the purposes and requirements of this subtitle and that, in addition, the plan meets the following minimum standards:

(1) The final slopes in all excavations in soil, sand, gravel, and other unconsolidated materials shall be at an angle to minimize the possibility of slides and be consistent with the future use of the land;

(2) To the extent feasible, the plan shall in all instances reduce safety hazards and provide surface gradients that permit appropriate and reasonably productive use of the land at the completion of the mining;

(3) Provisions for safety to persons and to adjoining property shall be provided in all excavations;

(4) In open pit mining operations, all overburden and spoil shall be left in a configuration which is in accordance with accepted conservation practices and suitable for the proposed subsequent use of the land;

(5) Suitable drainage ditches or conduits shall be constructed or installed or grading completed to avoid the collection or existence of small pools of water that are, or likely to become, noxious, odious, or foul on the mined area; and

(6) The type of vegetative cover and methods of its establishment shall be specified and conform to accepted and recommended agronomic and reforestation practices established by the Department. Advice and technical assistance may be obtained through the State soil and water conservation districts.

(f) If conditions do not permit the planting of vegetation on all or part of the affected land, and if these conditions pose an actual or potential threat of soil

erosion and siltation, alternative procedures shall be proposed to prevent the threat of soil erosion and siltation. If the procedures do not prevent these conditions, the Department may not approve them.

(g) Lakes, ponds, and marsh land shall be considered adequately reclaimed land when approved by the Department.

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